

***United States District Court***

*Northern District of New York*

**CIVIL JUDGMENT**

**ROBERT L. GERACE**

***Plaintiff***

**VS.**

**5: 03-CV-166 (NPM) (GHL)**

**UNITED STATES OF AMERICA**

***Defendant***

**[X] Decision by Court.** This action came to a Bench Trial before the Court.  
The issues have been tried and heard and a decision has been rendered.

**IT IS ORDERED AND ADJUDGED**

The Court has objectively examined the record and finds that plaintiff Robert L. Gerace did not meet his burden of proving by a preponderance of the evidence that Dr. Kishor V. Phadke departed from accepted standards of medical care. The Court finds that Dr. Phadke gave Mr. Gerace reasonable care. Judgment is entered in favor of Dr. Kishor V. Phadke and against the plaintiff Robert L. Gerace, dismissing this action in its entirety.

All of the above pursuant to the Order of the Honorable Senior Judge Neal P. McCurn, dated the 10th day of August, 2006.

**AUGUST 16, 2006**

**LAWRENCE K. BAERMAN**

**DATE**

**CLERK OF COURT**

**s/**

**JOANNE BLESKOSKI  
DEPUTY CLERK**